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June 30, 2022

VIA ECF

Honorable Paul A. Engelmayer
United States District Court
Southern District of New York
40 Foley Square, Room 2201
New York, NY 10007

Re: *Kitchen Winners NY Inc. v. Rock Fintek LLC*, Case No. 22-cv-05276-PAE
Request for Adjournment of Initial Pretrial Conference

Dear Judge Engelmayer:

This firm represents defendant and counterclaim/third-party plaintiff Rock Fintek LLC in the above-captioned matter. Pursuant to Your Honor's Individual Rules and Practices Rule 1.E, Rock Fintek respectfully submits this letter motion to adjourn for twenty-one (21) days (to August 1, 2022) the Initial Pretrial Conference currently set for July 11, 2022, and all associated deadlines. The adjournment would allow for a reasonable amount of time for Rock Fintek to attempt to serve the third-party defendants Adorama, Inc., Hershey Weiner, Joseph Mendlowitz, JNS Capital Holdings LLC and Joel Stern, and would allow counsel for plaintiff/counterclaim-defendant Kitchen Winners NY Inc. to determine which, if any, other parties it will represent in this case. Counsel for Kitchen Winners assents to the relief sought herein. No parties will be prejudiced by the adjournment sought herein.

Background

Kitchen Winners filed this action against Rock Fintek on May 17, 2022, in New York County Supreme Court, styled as *Kitchen Winners NY Inc. v. Rock Fintek LLC*, Index No. 656318/2022. Rock Fintek received a copy of the state Summons and Complaint via its registered agent on May 25, 2022. On June 22, 2022, Rock Fintek removed the action to this Court. (*See* ECF 1.) On June 24, 2022, Rock Fintek answered the Complaint, asserted counterclaims against Kitchen Winners, and asserted third-party claims against the third-party defendants herein. (*See* ECF 5.) On June 23, 2022, the Court issued a Notice of Initial Pretrial Conference (ECF 3). Rock Fintek

has requested issuance of third-party summonses and will initiate service of process on yet unrepresented parties promptly upon their issuance.

On June 24, 2022, Rock Fintek served its Answer, Defenses, Counterclaim and Third-Party Complaint and the Notice of Initial Pretrial Conference by email on counsel by Kitchen Winners. In that email, undersigned counsel asked whether Kitchen Winners' counsel would be representing any other parties in this case and asked for a telephone conference to meet and confer regarding topics set forth in the Notice of Initial Pretrial Conference.

On June 28, 2022, having not received a response to its email, counsel for Rock Fintek again emailed counsel for Kitchen Winners, letting them know that Rock Fintek planned to ask for a 21-day adjournment of the Initial Pretrial Conference and asking whether Kitchen Winners would assent to that relief. On June 29, 2022, attorney Alexander J. Sperber of Lipsius-Benham Law LLP responded that he had no objection to the 21-day adjournment, that he would be representing Kitchen Winners in this dispute, but that it was "not yet clear which other parties" he would be representing.

Accordingly, in the interests of efficiency and conservation of resources, Rock Fintek respectfully requests that the Court adjourn and modify the current deadlines associated with the Initial Pretrial Conference as follows:


| Event | Current Deadline | Requested Deadline |
|---|--|--|
| Telephonic Initial Pretrial Conference | July 11, 2022 | August 1, 2022 |
| Case Management Plan and Scheduling Order | Four business days before the Conference | Four business days before the Conference |
| Joint Letter describing the case, any contemplated motions, and the prospect for settlement | Four business days before the Conference | Four business days before the Conference |
| Service of Notice for Initial Pretrial Conference and Filing Proof of Service | July 7, 2022 | July 28, 2022 |

Respectfully submitted,

/s/Phillip Rakhunov
Phillip Rakhunov

cc: Alexander J. Sperber (asperber@lipsiuslaw.com)
Lipsius-Benham Law LLP
Counsel for Kitchen Winners NY Inc.

Granted. The initial pretrial conference will occur on August 1, 2022, at 10 a.m.
SO ORDERED.


PAUL A. ENGELMAYER
United States District Judge
6/30/2022